

**REMARKS**

**I. Introduction**

In response to the Office Action dated October 20, 2005, Applicants have cancelled claims 10-13 and have added new claims 14-24. Support for these new claims can be found, for example, in Figures 7A and 7B, 16C, 14A, and 18A-18E, and in the specification on pages 42-47. No new matter has been added.

In view of the foregoing amendments, Applicants respectfully submit that all of the pending claims are allowable for at least the reasons set forth below.

**II. The Rejection of Claims 10-13**

Claims 10 and 11 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by USP No. 5,208,472 to Su. Claim 12 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Su in view of USP No. 4,536,623 to Hunter. Claim 13 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Su in view of USP No. 5,866,445 to Baumann. Claims 10-13 have been cancelled by this amendment. As such, the rejection of these claims is now moot.

**III. Newly Added Claims 14-24**

Claim 14 recites, among other things, a first MIS type transistor and a second MIS type transistor on the same semiconductor substrate, both having the same conductivity type. Neither Su, Hunter, nor Baumann disclose such a semiconductor device.

The Examiner alleges that Su discloses a MIS transistor comprising a gate insulating film; a first sidewall insulating film on the side surfaces of a gate electrode; lightly doped regions, corresponding to the claimed low concentration impurity regions, underneath the first sidewall insulating films; source/drain regions, corresponding to the claimed high concentration impurity regions, outside of the gate electrode; second sidewall insulating films; and metal silicide layers (see, Office Action, page 2). However, even if Su does disclose such a transistor, Su still fails to disclose both a first and a second transistor of the same conductivity type on the same substrate, and that both the first and second transistors have a different sidewall structure.

Neither Hunter nor Baumann remedy this deficiency. Hunter appears to disclose a MIS transistor wherein multilayered sidewalls are formed on the side surfaces of a gate electrode. However, Hunter fails to disclose forming, on the same substrate, MIS transistors such as the first and second MIS type transistors recited in claim 14, wherein each has a different sidewall structure.

The Examiner alleges that Baumann discloses "a semiconductor device, such as a CMOS having the gate insulating film of the PMOS that is thinner than the gate insulating film of the NMOS" (see, Office action page 4). However, the semiconductor device disclosed by Baumann appears to include transistors having different conductivity types (see, Abstract; column 1, lines 49-52). By contrast, claim 14 recites a semiconductor device having a first and second MIS

transistor of the same connectivity type. Moreover, Baumann fails to disclose any sidewall, impurity regions, or silicide structures, as recited in claim 14.

Thus, at a minimum, none of the cited references, taken alone or in combination with one another, disclose or suggest the claimed device comprising first and second MIS type transistors formed on the same substrate and having the same conductivity type, but having sidewall structures which are different from each other.

Because none of the cited references disclose, teach, or suggest each and every feature of claim 14, Applicants respectfully submit that claim 14 is allowable. Claims 15-24 depend from and provide additional features to claim 14. Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 14 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also in condition for allowance.

#### IV. Conclusion

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

**Application No.: 10/705,882**

including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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